

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:02-CR-74
)	(Judge Jarvis)
JOHN M. BURNS, and)	
SONG CHA BURNS,)	
also known as Christine,)	
)	
Defendants.)	

AMENDED AGREED FINAL ORDER OF FORFEITURE
(702 Willard Road, Clarksville, Tennessee)

The United States has filed a motion with the Court, pursuant to Rule 36, Federal Rules of Criminal Procedure, to correct a clerical error by requesting that this Court enter an Amended Agreed Final Order of Forfeiture on the grounds that the initial Agreed Final Orders of Forfeiture entered on April 3, 2006 as to John M. Burns (R. 436) and Song Cha Burns (R. 437) by United States District Judge James H. Jarvis needs to be modified for the sole purpose of correcting a property address for one of the forfeited real properties, which was named in the Indictment as 702 Willard Road, Clarksville, Tennessee (R. 2, page 70).

In its motion, the United States shows that the street address of the real property described in the Indictment was correct when named, according to its recorded deed, but it also belongs to another parcel of real property not subject to forfeiture, a later 1.65 acre out-sale, which the defendant, John M. Burns sold to an innocent third party on November 15, 1995, and to which he also gave in the deed the same address as his original acquisition, now reduced to 13.6 acres in size, which was the subject of this forfeiture action. The difference between the two

properties is shown in their respective recorded deeds, both of which are attached to the Government's motion.

The Montgomery County Trustee's Office has dealt with this duplication of the property addresses by assigning a new identification name and number to the 13.6 acre forfeited parcel, "Willard Road, Clarksville, Tennessee, Map and Parcel No. 054J A 03000 000 07 054J 063 135 7978."

The United States requests that for purposes of this forfeiture proceeding, this Court adopt the naming convention utilized by the Montgomery County Trustee's Office in their delinquent tax statement for the forfeited real property, amend the respective Agreed Final Orders of Forfeiture (R. 436 and R. 437) accordingly, and thus allow the former property address (702 Willard Road, Clarksville, Tennessee) to travel with the out-sale, unimpeded by this forfeiture action.

The Montgomery County Trustee's Office had previously submitted a claim for unpaid property taxes owing on the aforesaid real property located at "Willard Road, Clarksville, Tennessee, Map and Parcel No. 054J A 03000 000 07 054J 063 135 7978." The claim was recognized in the Agreed Final Orders of Forfeiture entered on April 3, 2006 [R.436 (John M. Burns) and R.437 (Song Cha Burns)]. On May 12, 2006, the United States Department of Justice paid the property taxes owing to the Montgomery County Trustee's Office. Therefore, the Montgomery County Trustee's Office claim has been satisfied.

WHEREAS, the background set forth in the Court's April 3, 2006 Agreed Final Orders of Forfeiture is incorporated by reference herein.

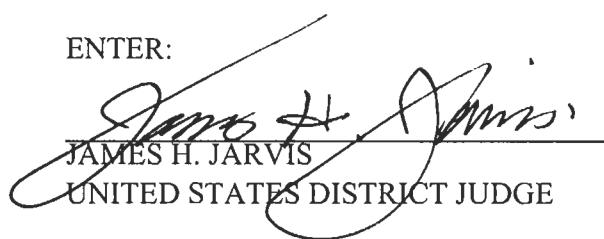
It is therefore ORDERED, ADJUDGED AND DECREED:

1. That the Agreed Final Orders of Forfeiture entered on April 3, 2006 as to John M. Burns (R. 436) and Song Cha Burns (R. 437), be and hereby are AMENDED to provide that the real property now known as "Willard Road, Clarksville, Tennessee, Map and Parcel No. 054J A 03000 000 07 054J 063 135 7978.", seized from Defendant John M. Burns and Song Cha Burns, be and the same is hereby forfeited to the United States, pursuant to Title 18, United States Code, Section 1963(l), and Title 18, United States Code, Section 982, and all right, title and interest in said property be and the same is hereby vested in the United States.

2. That the United States Marshals Service shall dispose of said forfeited property according to law.

3. That the Clerk of this Court provide the United States Marshals Service and the United States Attorney's Office with a certified copy of this Amended Agreed Final Order of Forfeiture.

ENTER:



JAMES H. JARVIS
UNITED STATES DISTRICT JUDGE

Submitted by:

JAMES R. DEDRICK
United States Attorney

By: s/Michael J. Mitchell
MICHAEL J. MITCHELL
Assistant United States Attorney